

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 Virginia Road, P.O. Box 9133  
Concord, MA 01742-9133

FILE COPY

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

# FACSIMILE COVER SHEET

**Examiner:** Office of Initial Patent Examination  
Customer Service Center

**Date:** September 1, 2004

**Client Code:** 1855.2058-001

**Facsimile No.:** 703-746-9195

**From:** Helen E. Wendler, Esq.

**Subject:** Preliminary Amendment, Amendment fee transmittal and Request for  
Corrected Filing Receipt, with copy of Filing Receipt with changes noted  
thereon and copy of page 2 of Preliminary Amendment

**Docket No.:** 1855.2058-001

**Applicants:** Sean A. McCarthy *et al*

**Application No.:** 10/718,332

**Filing Date:** November 20, 2003

Number of pages including this cover sheet: 12

Please confirm receipt of facsimile: Yes X No     

**Sir:**

Please see attached.

@PFDesktop ODMA/MHODMA/HBSR05,manage,495841:1

Privileged and Confidential - All information transmitted hereby is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any distribution or copying of this communication is strictly prohibited. Anyone who received this communication in error is asked to notify us immediately by telephone and to destroy the original message or return it to us at the above address via first class mail.

10/718,332

-2-

**In the Domestic priority data as claimed by applicant**

At line 17, please delete the phrase --said 09/128,709 08/04/1998--.

Enclosed are copies of the Filing Receipt with changes noted in red and a copy of page 2 of the Preliminary Amendment being filed concurrently herewith.

Pursuant to instructions in the February 29, 2000 O.G., we hereby request that the errors which are identified above be corrected in the captioned application to which this request for correction is directed. It is understood that the Patent Office will issue an automatically-generated, corrected Filing Receipt in this and, if applicable, any other affected applications.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Helen E. Wendler

Helen E. Wendler

Registration No.: 37,964

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date:

*Sept. 1, 2004*

10/718,332

-2-

Please charge Deposit Account No. 08-0380 for the following fees:

<input type="checkbox"/>	Petition for [ ] month Extension of Time	\$	
<input type="checkbox"/>	Amendment Fee	\$	
<input type="checkbox"/>	Other Fees:		
		\$	
		\$	
	TOTAL:	\$	0

A check is enclosed in payment of the following fees:

<input type="checkbox"/>	Petition for [ ] month Extension of Time	\$	
<input type="checkbox"/>	Amendment Fee	\$	
<input type="checkbox"/>	Other Fees:		
		\$	
		\$	
	TOTAL:	\$	0

☒ A general authorization is hereby granted to charge Deposit Account No. 08-0380 for any fees required under 37 C.F.R. 1.16 and 1.17 in order to maintain pendency of this application.

Respectfully submitted,

HAMILTON, BROOK, SMITH &amp; REYNOLDS, P.C.

By Helen E. Wendler  
Helen E. Wendler  
Registration No.: 37,964  
Telephone (978) 341-0036  
Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133

Dated: September 1, 2004



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22315-1450  
www.uspto.gov

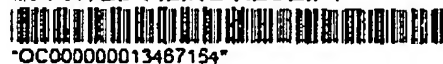
APPL NO	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/718,332	11/20/2003	1646	1076	1855.2058-001	18	37	2

CONFIRMATION NO. 3405

021005

HAMILTON, BROOK, SMITH & REYNOLDS, P C  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD, MA 01742-9133

UPDATED FILING RECEIPT



\*OC000000013487154\*

Date Mailed 08/09/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

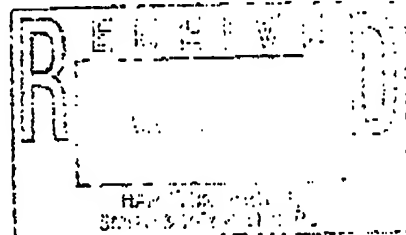
Sean A. McCarthy, San Diego, CA.  
Douglas A. Holtzman, Jamaica Plain, MA.  
Andrew D J. Goodearl, Natick, MA.

## Assignment For Published Patent Application

Millennium Pharmaceuticals, Inc., Cambridge, MA.

## Domestic Priority data as claimed by applicant

This application is a CON of 09/803,589 03/09/2001 ABN  
which is a CIP of 09/128,709 08/04/1998 ABN  
which claims benefit of 60/054,645 08/04/1997  
and said 09/803,589 03/09/2001  
is a CIP of 09/130,491 08/06/1998 PAT 6,416,974  
which claims benefit of 60/054,966 08/06/1997  
and claims benefit of 60/058,108 09/05/1997  
and said 09/803,589 03/09/2001  
is a CIP of 09/388,280 09/01/1999 ABN  
which is a DIV of 09/130,491 08/06/1998 PAT 6,416,974  
which claims benefit of 60/054,966 08/06/1997  
and claims benefit of 60/058,108 09/05/1997  
and said 09/803,589 03/09/2001  
is a CIP of 09/388,279 09/02/1999 ABN  
which is a DIV of 09/130,491 08/06/1998 PAT 6,416,974  
which claims benefit of 60/054,966 08/06/1997  
and said 09/128,709 08/04/1998



claims benefit of 60/058,108 09/05/1997  
(\*Data provided by applicant is not consistent with PTO records.

**Foreign Applications**

If Required, Foreign Filing License Granted: 03/04/2004

Projected Publication Date: 11/18/2004

Non-Publication Request: No

Early Publication Request: No

**Title**

Novel genes encoding proteins having prognostic, diagnostic, preventive, therapeutic and other uses

**Preliminary Class**

435

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 6.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)), the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months

has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(p).